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7 Attorneys for Defendant
The FRS Company

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 LAWRENCE BRANDON, on behalf of
11 himself and all others similarly situated,

12 Plaintiff,

13 v.

14 The FRS Company, d/b/a The FRS
Healthy Energy Company,

15 Defendant.
16

Case No. 3:11-cv-06639-RS

The Hon. Richard Seeborg

**STIPULATION AND ~~PROPOSED~~
ORDER TO STAY CASE PENDING
SETTLEMENT DISCUSSIONS AND
INFORMAL DISCOVERY, AND TO
CONTINUE CASE MANAGEMENT
CONFERENCE**

[No Hearing Required]

17 Complaint Filed: December 23, 2011
18 Trial Date: None Set

STIPULATION

WHEREAS plaintiff Lawrence Brandon and defendant The FRS Company ("FRS") seek a stay of the case for sixty (60) days to pursue settlement discussions and exchange limited informal discovery in furtherance of those discussions;

WHEREAS the only time modifications in this case to date are: (1) the Clerk's notice rescheduling the Case Management Conference from April 5, 2012 to April 12, 2012, after reassignment to Judge Seeborg (Dkt # 7); (2) the parties' stipulation to extend time for FRS to respond to the complaint, to February 24, 2012 (Dkt #8); and (3) the parties' stipulation to extend the briefing schedule for FRS's Motion to Strike Portions of Complaint ("Motion"), such that plaintiff's opposition would be due March 16, 2012 and FRS's reply would be due March 29, 2012 (Dkt #12); and

WHEREAS a stay of the case for sixty (60) days would only affect the schedule of the case by (1) staying the case up to and including May 21, 2012; (2) lifting the stay on May 22, 2012; (3) extending the deadline for FRS to file its reply in support of the Motion from March 29, 2012, to June 4, 2012, thirteen days after the stay is lifted; (4) continuing the hearing on the Motion from April 12, 2012, to June 21, 2012, or a subsequent date convenient to the Court; (5) continuing the Case Management Conference from April 12, 2012, to June 21, 2012, or a subsequent date convenient to the Court; and (6) extending the deadline for the parties to file their respective ADR Certifications to May 25, 2012, three days after the stay is lifted on May 22, 2012,

THEREFORE, pursuant to Local Rules 6-2, 7-12, and 16-2(e), and Judge Seeborg's Standing Order Re: Initial Case Management, the parties through their undersigned counsel stipulate, subject to the Court's approval, as follows:

- (1) the case is stayed for sixty days, up to and including May 21, 2012;
- (2) the stay will be lifted on May 22, 2012;
- (3) the deadline for FRS to file its reply in support of the Motion is extended to June 4, 2012;

1 (4) the hearing on the Motion is continued from April 12, 2012 at 1:30
2 p.m. to June 21, 2012 at 1:30 p.m., or whatever subsequent date and time is convenient to
3 the Court;

4 (5) the Case Management Conference is continued from April 12, 2012 at
5 10:00 a.m. to June 21, 2012 at 10:00 a.m., or whatever subsequent date and time is
6 convenient to the Court; and

7 (6) the deadline for the parties to file their respective ADR Certifications
8 is extended to May 25, 2012.

9 Dated: March 21, 2012

10 FINKELSTEIN THOMPSON LLP

11
12 By /s/ Rosemary M. Rivas
13 ROSEMARY M. RIVAS
14 Attorneys for Plaintiff
LAWRENCE BRANDON

15 Dated: March 21, 2012

16 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

17
18 By /s/ Neil A.F. Popović
19 NEIL A.F. POPOVIĆ
20 Attorneys for Defendant
THE FRS COMPANY

CERTIFICATION

I, Neil A.F. Popović, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER TO STAY CASE PENDING SETTLEMENT DISCUSSIONS AND INFORMAL DISCOVERY, AND TO CONTINUE CASE MANAGEMENT CONFERENCE. Pursuant to General Order 45, section X.B, I attest that Rosemary M. Rivas has concurred in this filing.

Dated: March 21, 2012

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

By /s/ Neil A.F. Popović
NEIL A.F. POPOVIĆ
Attorneys for Defendant
THE FRS COMPANY

~~PROPOSED~~ ORDER

Having considered the Stipulation and [Proposed] Order to Stay Case Pending Settlement Discussions and Informal Discovery; and to Continue Case Management Conference entered into by plaintiff Lawrence Brandon and defendant The FRS Company ("FRS"), and good cause appearing therefor,

IT IS ORDERED THAT:

- (1) the case is stayed for sixty days, up to and including May 21, 2012;
- (2) the stay will be lifted on May 22, 2012;
- (3) the deadline for FRS to file its reply in support of its Motion to Strike Portions of Complaint ("Motion") is extended to June 4, 2012;
- (4) the hearing on the Motion is continued from April 12, 2012 at 1:30 p.m. to June 21, 2012 at 1:30 p.m.;
- (5) the Case Management Conference is continued from April 12, 2012 at 10:00 a.m. to June 21, 2012 at 10:00 a.m.; and
- (6) the deadline for the parties to file their respective ADR Certifications is extended to May 25, 2012.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/21/12



Honorable Richard Seeborg
United States District Judge